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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

7 IN THE MATTER OF ENFORCEMENT)
8 ACTION AGAINST) PDC CASE NO.: 02-269
9 Gary Long, City Manager,) STIPULATION OF FACTS
10 City of Burien) AND VIOLATION
Respondent.)
_____)

11 Gary Long, City Manager of the City of Burien (Respondent) and Public Disclosure
12 Commission Enforcement Staff (Staff) jointly submit this Stipulation of Facts and Violation
13 for Commission consideration in lieu of a full enforcement hearing before the Commission.
14 The parties agree that pursuant to RCW 42.17.360 et. seq., the Commission has the authority to
15 accept, decline, or to suggest modifications to this Stipulation.
16

17 **Facts**

18 Both parties agree that the Report of Investigation dated February 8, 2002, and the
19 Brief Enforcement Hearing Memorandum dated February 11, 2002, contain accurate
20 statements of fact except as noted below. The Brief Enforcement Hearing Memorandum, the
21 Report of Investigation, and all exhibits are incorporated herein by this reference.
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23 The background section of the Report of Investigation and Sections 4a and 4f of the
24 Brief Enforcement Hearing Memorandum should have stated that Initiative 747 would change
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1 all of the limitation factors on property tax levy increases to "101%." For taxing districts with
2 populations less than 10,000, the new limitation factor would be 101% of the highest of the
3 three previous annual levies. For the state, the new limitation factor would be the lower of
4 101% or the previous year's inflation rate. For other taxing districts, such as the City of
5 Burien, the limitation factor would be the lower of these two numbers, but if the inflation rate
6 is less than 1%, the City could increase its levy to the 101% level using the same special
7 procedure and declaration of special need as in existing law.
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9 **Violation**

10 Respondent and Staff agree that based upon the facts stipulated above, the Respondent
11 committed a single violation of RCW 42.17.130. In acknowledging the violation, the
12 Respondent maintains that the violation was a result of innocent error.
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14 **Penalty**

15 The parties are unable to jointly recommend an appropriate penalty for the
16 Commission. Each party intends to present a brief oral argument before the Commission at the
17 meeting scheduled for May 21, 2002.

18 Respondent agrees to comply in good faith with RCW 42.17.

19 Respectfully submitted this 21st day of May, 2002.
20

21 /s
22 Vicki Rippie, Executive Director

DATE SIGNED

23 /s
24 David B. St. Pierre, WSBA #27888
25 Kenyon Dornay Marshall, PLLC
Attorney for Respondent

DATE SIGNED